

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

SCORPCAST, LLC dba HAULSTARS,

Plaintiff,

v.

MG FREESITES LTD,

Defendant.

C.A. No. 6:20-CV-00877-ADA

JURY TRIAL DEMANDED

AGREED SCHEDULING ORDER

Pursuant to Rule 16, Federal Rules of Civil Procedure, the Court ORDERS that the following schedule will govern deadlines up to and including the trial of this matter:

Proposed Date	Event
January 4, 2021	Plaintiff serves preliminary ¹ infringement contentions in the form of a chart setting forth where in the accused product(s) each element of the asserted claim(s) are found. Plaintiff shall also identify the earliest priority date (<i>i.e.</i> the earliest date of invention) for each asserted claim and produce: (1) all documents evidencing conception and reduction to practice for each claimed invention, and (2) a copy of the file history for each patent in suit.
January 8, 2021	CMC deemed to occur on this date.

¹ The parties may amend preliminary infringement contentions and preliminary invalidity contentions without leave of the court so long as counsel certifies that it undertook reasonable efforts to prepare its preliminary contentions and the amendment is based on material identified after those preliminary contentions were served, and should do so seasonably upon identifying any such material. Any amendment to add patent claims requires leave of court so that the Court can address any scheduling issues.

January 22, 2021	Deadline for Motions to Transfer
January 22, 2021	Deadline for Plaintiff to reduce asserted claims to approximately 100 claims.
February 1, 2021	Non-Party Discovery opens outside of the United States. <i>See</i> Judge Albright's Order Governing Proceeding – Patent Case at 2.
March 5, 2021	Defendant serves preliminary invalidity contentions in the form of (1) a chart setting forth where in the prior art references each element of the asserted claim(s) are found, (2) an identification of any limitations the Defendant contends are indefinite or lack written description under section 112, and (3) an identification of any claims the Defendant contends are directed to ineligible subject matter under section 101. Defendant shall also produce (1) all prior art referenced in the invalidity contentions, (2) technical documents, including software where applicable, sufficient to show the operation of the accused product(s), and (3) summary, annual sales information for the accused product(s) for the two years preceding the filing of the Complaint, unless the parties agree to some other timeframe.
March 12, 2021	Parties exchange claim terms for construction.
March 26, 2021	Parties exchange proposed claim constructions.
April 2, 2021	Parties disclose extrinsic evidence. The parties shall disclose any extrinsic evidence, including the identity of any expert witness they may rely upon with respect to claim construction or indefiniteness. With respect to any expert identified, the parties shall identify the scope of the topics for the witness's expected testimony. ² With respect to items of extrinsic evidence, the parties shall identify each such item by production number or produce a copy of any such item if not previously produced.

² The parties may amend preliminary infringement contentions and preliminary invalidity contentions without leave of court so long as counsel certifies that it undertook reasonable efforts to prepare its preliminary contentions and the amendment is based on material identified after those preliminary contentions were served, and should do so seasonably upon identifying any such material. Any amendment to add patent claims requires leave of court so that the Court can address any scheduling issues.

April 9, 2021	Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.
April 16, 2021	Plaintiff files Opening claim construction brief, including any arguments that any claim terms are not indefinite.
May 7, 2021	Defendant files Responsive claim construction brief.
May 21, 2021	Completion of venue and jurisdictional Discovery. <i>See</i> Standing Order Regarding Venue And Jurisdictional Discovery Limits For Patent Cases 111920.pdf at 1.
May 21, 2021	Plaintiff files Reply claim construction brief.
June 4, 2021	Deadline for Plaintiff to respond to Defendant's Motion to Transfer. <i>See</i> Standing Order Regarding Venue And Jurisdictional Discovery Limits For Patent Cases 111920.pdf at 1.
June 4, 2021	Defendant files a Sur-Reply claim construction brief.
June 9, 2021	Parties submit Joint Claim Construction Statement. See General Issues Note #8 regarding providing copies of the briefing to the Court and the technical adviser (if appointed).
June 11, 2021	Parties submit optional technical tutorials to the Court and technical adviser (if appointed). ³
June 18, 2021	Markman Hearing at 12:30 p.m.
July 23, 2021	Second Markman Hearing at 9:30 a.m.
July 24, 2021	Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a).

³ The parties should contact the law clerk to request a Box link so that the party can directly upload the file to the Court's Box account.

September 3, 2021	Deadline to add parties.
September 17, 2021	Deadline to serve Final Infringement and Invalidity Contentions. After this date, leave of Court is required for any amendment to Infringement or Invalidity contentions. This deadline does not relieve the Parties of their obligation to seasonably amend if new information is identified after initial contentions.
November 12, 2021	Deadline to amend pleadings. A motion is not required unless the amendment adds patents or patent claims. (Note: This includes amendments in response to a 12(c) motion.)
February 15, 2022	Deadline for the first of two meet and confers to discuss significantly narrowing the number of claims asserted and prior art references at issue. Unless the parties agree to the narrowing, they are ordered to contact the Court's Law Clerk to arrange a teleconference with the Court to resolve the disputed issues
March 8, 2022	Close of Fact Discovery.
March 22, 2022	Opening Expert Reports.
April 19, 2022	Rebuttal Expert Reports.
May 10, 2022	Close of Expert Discovery.
May 17, 2022	Deadline for the second of two meet and confer to discuss narrowing the number of claims asserted and prior art references at issue to triable limits. To the extent it helps the parties determine these limits, the parties are encouraged to contact the Court's Law Clerk for an estimate of the amount of trial time anticipated per side. The parties shall file a Joint Report within 5 business days regarding the results of the meet and confer.
May 24, 2022	Dispositive motion deadline and Daubert motion deadline. See General Issues Note #8 regarding providing copies of the briefing to the Court and the technical adviser (if appointed).

June 7, 2022	Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, discovery and deposition designations).
June 21, 2022	Serve objections to pretrial disclosures/rebuttal disclosures.
June 28, 2022	Serve objections to rebuttal disclosures and File Motions in <i>limine</i> .
July 5, 2022	File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, discovery and deposition designations); file oppositions to motions in <i>limine</i> .
July 12, 2022	File Notice of Request for Daily Transcript or Real Time Reporting. If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Kristie Davis at kmdaviscsr@yahoo.com . Deadline to meet and confer regarding remaining objections and disputes on motions in <i>limine</i> .
July 21, 2022	File joint notice identifying remaining objections to pretrial disclosures and disputes on motions in <i>limine</i> .
July 26, 2022	Final Pretrial Conference. The Court expects to set this date at the conclusion of the <i>Markman</i> Hearing
August 16, 2022	Jury Selection/Trial. The Court expects to set these dates at the conclusion of the <i>Markman</i> Hearing.

Dated: January 29, 2021


ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE